

DEFENSE

**Agreement Between the
UNITED STATES OF AMERICA
and JAPAN**

Effected by Exchange of Notes
Dated at Tokyo November 16, 2001



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

JAPAN

Defense

*Agreement effected by exchange of notes
Dated at Tokyo November 16, 2001;
Entered into force November 16, 2001.*

Translation

Tokyo, November 16, 2001

Excellency,

I have the honor to refer to Japan's Law Regarding Special Measures Concerning Measures Taken by Japan in Support of the Activities of Foreign Countries Aiming to Achieve the Purposes of the Charter of the United Nations in Response to the Terrorist Attacks Which Took Place on 11 September 2001 in the United States of America and Subsequent Threats as well as concerning Humanitarian Measures Based on Relevant Resolutions of the United Nations or Requests made by International Bodies (Law No.113 of 2001, hereinafter referred to as "the Law") which provides, inter alia, that the Government of Japan may contribute to the armed forces or other similar entities of foreign countries supplies and services in the field of logistic support as a cooperation and support activity (hereinafter referred to as "logistic support, supplies and services"), and to confirm, on behalf of the Government of Japan, that the following is the understanding reached between the Government of Japan and the Government of the United States of America during the discussions concerning the logistic support, supplies and services contributed to the armed forces or other similar entities of the United States of America in accordance with the Law:

1. The use of logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall be consistent with the Charter of the United Nations.
2. The logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall not be transferred, either temporarily or permanently, by any means to those outside of the armed forces or other similar entities of the United States of America, without prior consent of the Government of Japan.

His Excellency
Mr. Howard H. Baker, Jr.
Ambassador Extraordinary
and Plenipotentiary of
the United States of America

3. The official, or officials of the Department of Defense or other similar entities of the United States of America with authority to accept logistic support, supplies and services to be contributed in accordance with the Law shall be informed, in writing, by the official, or officials of the Government of Japan of the conditions contained in Paragraphs 1 and 2 above.

I have further the honor to propose that, if the above mentioned understanding is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Makiko Tanaka
Minister for Foreign Affairs
of Japan

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 779

Excellency,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

"Excellency,

I have the honor to refer to Japan's Law Regarding Special Measures Concerning Measures Taken by Japan in Support of the Activities of Foreign Countries Aiming to Achieve the Purposes of the Charter of the United Nations in Response to the Terrorist Attacks Which Took Place on September 11, 2001 in the United States of America and Subsequent Threats as well as Concerning Humanitarian Measures Based on Relevant Resolutions of the United Nations or Requests made by International Bodies (Law No.113 of 2001, hereinafter referred to as "the Law") which provides, *inter alia*, that the Government of Japan may contribute to the armed forces or other similar entities of foreign countries supplies and services in the field of logistic support as a cooperation and support activity (hereinafter referred to as "logistic support, supplies and services"), and to confirm, on behalf of the Government of Japan, that the following is the understanding reached between the Government of Japan and the Government of the United States of America during the discussions concerning the logistic support, supplies and services contributed to the armed forces or other similar entities of the United States of America in accordance with the Law:

1. The use of logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall be consistent with the Charter of the United Nations.
2. The logistic support, supplies and services contributed to and accepted by the armed forces or other similar entities of the United States of America in accordance with the Law shall not be transferred, either temporarily or permanently, by any means to those outside of the armed forces or other similar entities of the United States of America, without prior consent of the Government of Japan.

Her Excellency
Makiko Tanaka,
Minister for Foreign Affairs of Japan,
Tokyo.

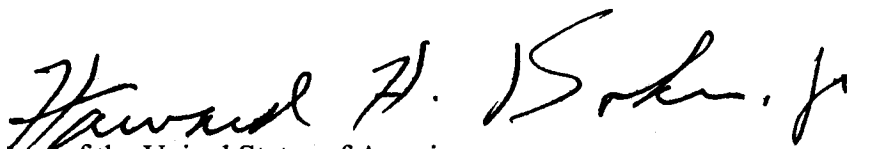
3. The official, or officials of the Department of Defense or other similar entities of the United States of America with authority to accept logistic support, supplies and services to be contributed in accordance with the Law shall be informed, in writing, by the official, or officials of the Government of Japan of the conditions contained in Paragraphs 1 and 2 above.

I have further the honor to propose that, if the above mentioned understanding is acceptable to the Government of the United States of America, the present Note and Your Excellency's reply on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have further the honor to confirm on behalf of the Government of the United States of America that the understanding contained in Your Excellency's Note is also the understanding of the Government of the United States of America and confirm that Your Excellency's Note and this reply shall be regarded as constituting an agreement between the two Governments which shall enter into force on the date of this reply.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.


Embassy of the United States of America,
Tokyo, Japan, November 16, 2001.

書簡をもって啓上いたします。本大臣は、日本国政府が外国の軍隊その他これに類する組織に対し協力支援活動の一環として行われる後方支援の分野における物品又は役務（以下「後方支援、物品又は役務」という。）を提供することができ旨を特に規定している日本国の平成十三年九月十一日のアメリカ合衆国において発生したテロリストによる攻撃等に対応して行われる国際連合憲章の目的達成のための諸外国の活動に対して我が国が実施する措置及び関連する国際連合決議等に基づく人道的措置に関する特別措置法（平成十三年法律第百十三号。以下「法」という。）に言及するとともに、次のことが、法に従ってアメリカ合衆国の軍隊その他これに類する組織に提供される後方支援、物品又は役務に関する討議における日本国政府とアメリカ合衆国政府との間の了解であることを日本国政府に代わって確認する光栄を有します。

1 法に従ってアメリカ合衆国の軍隊その他これに類する組織に提供され、かつ、これらにより受領される後方支援、物品又は役務の使用は、国際連合憲章と両立するものでなければならない。

2 法に従ってアメリカ合衆国の軍隊その他これに類する組織に提供され、かつ、これらにより受領される後方支援、物品又は役務については、日本国政府の事前の同意を得ないで、一時的であれ又は永続的であれ、いかなる手段によってもアメリカ合衆国の軍隊その他これに類する組織以外の者に移転してはならない。

い。

3 法に従って提供される後方支援、物品又は役務を受領する権限を有するアメリカ合衆国の国防省その他これに類する組織の職員は、書面により、日本国政府の職員から前記の1及び2に述べられた条件につき通知されるものとする。

本大臣は、更に、前記の了解がアメリカ合衆国政府により受諾される場合には、この書簡及びアメリカ合衆国政府に代わる閣下の返簡が両政府間の合意を構成するものとみなし、その合意が閣下の返簡の日付の日効力を生ずるものとするを提案する光榮を有します。

本大臣は、以上を申し進めるに際し、ここに重ねて閣下に向かって敬意を表します。

二千一年十一月十六日に東京で

アメリカ合衆国特命全権大使

ハワード・H・ベーカーJr閣下

日本国外務大臣

田中 龍子